

ASSEMBLY BILL

No. 916

Introduced by Assembly Member Canciamilla

February 18, 2005

An act to add Section 368.5 to the Penal Code, relating to crime.

LEGISLATIVE COUNSEL'S DIGEST

AB 916, as introduced, Canciamilla. Elder abuse.

Existing law proscribes various crimes committed against an elder or dependent adult when the person knows or reasonably should know that the victim is an elder or dependent adult, including violating any provision of law proscribing theft, embezzlement, forgery, fraud, or identity theft, with respect to the person or property of an elder or dependent adult.

This bill would provide that any person who is punishable by imprisonment in the state prison for a violation of these provisions with respect to a person who is 65 years of age or older who committed that crime by means of deceptive business practices, fraud, trickery, or deceit shall be punished by imprisonment in the state prison for 1, 2, or 3 years, in addition and consecutive to any other punishment received at the discretion of the court based upon the nature and extent of the crime.

Because this bill would increase the prosecutorial duties of local officials, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 368.5 is added to the Penal Code, to
2 read:
3 368.5. Any person who violates subdivision (d) or (e) of
4 Section 368 with respect to the property or personal identifying
5 information of a person who is 65 years of age or older when the
6 moneys, labor, goods, services, or real or personal property
7 obtained is of a value exceeding four hundred dollars (\$400), by
8 means of deceptive business practices, fraud, trickery, or deceit,
9 shall be punished by imprisonment in the state prison for one,
10 two, or three years in addition and consecutive to any other
11 punishment received, at the discretion of the court based upon the
12 nature and extent of the crime.
13 SEC. 2. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution because
15 the only costs that may be incurred by a local agency or school
16 district will be incurred because this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the
18 penalty for a crime or infraction, within the meaning of Section
19 17556 of the Government Code, or changes the definition of a
20 crime within the meaning of Section 6 of Article XIII B of the
21 California Constitution.

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